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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 Khari Varner, Tera Strawter, J.K.V., K-  
7 L.V.V., N.S.V., and K.T.V.,

8 Plaintiffs,

9 v.

10 Sawnte Strawter; et al.,

11 Defendants.

Case No. 2:24-cv-00537-JAD-DJA

**Report and Recommendation**

12 On May 17, 2024, the Court dismissed Plaintiff Khari Varner's amended complaint and  
13 gave her until June 17, 2024, to file an amended complaint. (ECF No. 12). The Court also  
14 explained that "[i]f Varner amends the complaint and chooses to include Tera Strawter and the  
15 minor children as plaintiffs to the action, Tera Strawter must file an accompanying application to  
16 proceed *in forma pauperis* and the minor children must appear through counsel." (*Id.*). The  
17 Court further explained that "[f]ailure to timely comply with this order may result in a  
18 recommendation to the district judge that this case be dismissed." (*Id.*). To date, Plaintiffs have  
19 not filed anything further in this action.

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21 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without  
22 prejudice. The Clerk of Court is kindly directed to send this recommendation to Plaintiff.

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24 **NOTICE**

25 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be  
26 in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The  
27 Supreme Court has held that the courts of appeal may determine that an appeal has been waived  
28 due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142

1 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file  
2 objections within the specified time and (2) failure to properly address and brief the objectionable  
3 issues waives the right to appeal the District Court's order and/or appeal factual issues from the  
4 order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi*  
5 *Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

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7 DATED: August 30, 2024

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12 DANIEL J. ALBREGTS  
13 UNITED STATES MAGISTRATE JUDGE  
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